

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

BRITTNEY J. WYNN,)	
)	
Plaintiff,)	
)	
v.)	No. 4:23 CV 1264 CDP
)	
LELAND DUDEK, Acting)	
Commissioner of Social Security, ¹)	
)	
Defendant.)	

MEMORANDUM AND ORDER

Plaintiff Brittney J. Wynn prevailed on her appeal for judicial review of an adverse decision of the Social Security Administration and now requests attorney's fees under the Equal Access to Justice Act (EAJA) in the amount of \$6,893.25 and reimbursement of costs in the amount of \$405. The Commissioner represents that the parties have agreed to a \$6700 attorney's fee and requests that I order payment of fees in that amount as well as costs in the amount plaintiff requests. I will grant plaintiff's motion and order payment of the agreed-to amounts of fees and costs.

¹ Leland Dudek became the Acting Commissioner of Social Security on February 16, 2025. Pursuant to Fed. R. Civ. P. 25(d), he is automatically substituted as the proper party defendant in this action.

This matter came before me on plaintiff's appeal for judicial review of an adverse decision of the Social Security Administration. In a Memorandum, Order, and Judgment entered December 5, 2024, I reversed the Commissioner's decision and remanded the matter to the Commissioner for further administrative proceedings under sentence four of 42 U.S.C. § 405(g). Plaintiff now seeks an award of attorney's fees given that she is a prevailing party, has a net worth of less than two million dollars, and incurred the fees in this action. 28 U.S.C. § 2412(d). Plaintiff also seeks reimbursement of \$405 as costs for the filing fee she paid to bring this action. *See* 28 U.S.C. §§ 1920(1), 2412(a). The Commissioner does not object to plaintiff's requests but asks that the attorney's fees be awarded in the agreed-to amount and made payable in accordance with *Astrue v. Ratliff*, 560 U.S. 586 (2010). Upon review of plaintiff's motion and the Commissioner's response, I find the agreed-to fees and costs and the Commissioner's requested terms of payment to be reasonable.

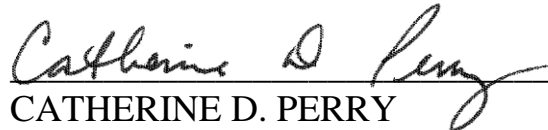
Accordingly,

IT IS HEREBY ORDERED that plaintiff's Motion for Attorney's Fees [11] is **GRANTED**, subject to the parties' agreement.

IT IS FURTHER ORDERED that, pursuant to 28 U.S.C. § 2412(d), plaintiff shall recover attorney's fees from the Social Security Administration in the amount of Six Thousand, Seven Hundred and 00/100 Dollars (\$6,700.00).

IT IS FURTHER ORDERED that, under the terms of the Fee Agreement executed by the plaintiff in this case (*see* ECF 11-4), the award shall be made payable to her attorney, David D. Camp, and deliverable to his address of record unless plaintiff has a pre-existing debt owed to the United States, in which case the award shall be made payable to the plaintiff and subject to offset to satisfy that debt. Any remainder payable to plaintiff shall be delivered to plaintiff at the address of record for her counsel, David D. Camp.

IT IS FURTHER ORDERED that, pursuant to 28 U.S.C. § 2412(a), plaintiff shall recover costs in the amount of Four Hundred Five and 00/100 Dollars (\$405.00).


CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 18th day of March, 2025.